

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

v.

LEONARDO DAVILA, JR.

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CRIMINAL NO. C-22-131

STIPULATION OF FACT IN SUPPORT OF GUILTY PLEA

The defendant, LEONARDO DAVILA JR., has agreed to stipulate with the United States Attorney for the Southern District of Texas, Jennifer B. Lowery, through the undersigned Assistant United States Attorney, to the following facts. The parties agree that these facts are sufficient to establish a factual basis for the defendant's plea, pursuant to Fed. R. Crim. P. 11(b)(3).

I.

The defendant confesses that within the Southern District of Texas on or about February 8, 2022:

- 1) That an alien had entered or remained in the United States in violation of the law;
- 2) That the defendant knew or recklessly disregarded the fact that the alien was in the United States in violation of the law; and,
- 3) That the defendant transported the alien within the United States with intent to further the alien's unlawful presence.

II.

The defendant further stipulates that had the case proceeded to trial the United States would have called witnesses who would have testified that:

On February 8, 2022, a LEONARDO DAVILA JR. drove a blue tractor-trailer into the primary inspection lane of the United States Border Patrol checkpoint near Falfurrias, Texas. As the vehicle came to a stop for the immigration inspection, a K9 unit alerted to the vehicle. During the inspection, DAVILA JR. stated that he was coming from Edinburg, Texas and headed to

Houston, Texas. DAVILA JR. was directed to the secondary inspection area. Once in the secondary inspection area, seventy-three undocumented individuals were discovered in the trailer.

Material Witness Sarai Del Rosario Avalos-Lopez provided a post-*Miranda* statement to agents. Avalos-Lopez stated that she was a citizen and national of El Salvador. After unlawfully entering the United States, Avalos-Lopez stated that she was transported by car to McAllen, Texas where she was kept in an apartment for approximately twelve days. On the day of her apprehension, Avalos-Lopez stated that she was taken from the apartment to an unknown location that appeared to be a mechanic shop. There was a tractor-trailer already present with the trailers door opened. Avalos-Lopez stated that she was forced to get into the trailer by the other men at the location. Once Avalos-Lopez was inside, a person Avalos-Lopez later identified in a line-up as DAVILA JR., climbed into the trailer and instructed everyone to stay quiet during the drive and directed everyone to not stand on the driver side of the trailer in order to avoid detection by the K9 unit and x-ray.

The undersigned have thoroughly reviewed, understand, and agree that the information contained in this Stipulation of Fact is true and correct.



LEONARDO DAVILA JR.
Defendant



Attorney for Defendant

JENNIFER B. LOWERY
UNITED STATES ATTORNEY

By: 

PATRICK OVERMAN
Assistant United States Attorney